

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mitchell Jones on 04/23/10.

The application has been amended as follows:

In The title:

In the title, ---plant—is inserted after “controlling”

In The abstract:

In the abstract on page 65, “or animals” in line 5 is deleted.

In The Claims:

Claim 1 (Currently amended) A transgenic plant comprising a nucleic acid sequence having a sense sequence linked to its complementary antisense sequence and encoding a [an orally active] double stranded RNA that inhibits expression of [targeting for genetic inhibition] a Heterodera glycines embryonic lethal phenotype gene, wherein the sense or antisense sequence comprises SEQ ID NO: 1, SEQ ID NO: 9 or SEQ ID NO: 18, wherein nematodes ingesting said double stranded nematode RNA do not proliferate, and wherein said transgenic plant exhibits increased resistance to soybean cyst nematodes as compared to a control plant [embryonic lethal phenotype

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gene is selected from the group consisting of SEQ ID NO:1, SEQ ID NO:9 and SEOID NO:18].

Claims 7-8 and 14 are cancelled.

Claim 15 (Currently amended). A vector comprising a nucleic acid sequence having a sense sequence linked to its complementary antisense and encoding a [an orally active] double stranded RNA sequence that inhibits expression of [targeting for genetic inhibition] a *Heterodera glycines* embryonic lethal phenotype gene, wherein said sense sequence or antisense sequence comprises SEQ ID NO: 1, SEQ ID NO: 9 or SEQ ID NO: 18; and wherein nematodes ingesting said double stranded nematode RNA do not proliferate.

Claims 21 and 22 are cancelled.

Claim 23 (Currently amended). A transgenic soybean plant comprising the vector of Claim 15; said transgenic soybean plant exhibits increased resistance to soybean cyst nematodes as compared to a control plant.

Claim 26 (Currently amended). A method for controlling *Heterodera glycines* comprising providing a transgenic soybean plant comprising a nucleic acid sequence having a sense sequence linked to its complementary antisense and encoding a [an

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orally active] double stranded RNA that inhibits expression of [targeting for inhibition] a Heterodera glycines embryonic lethal phenotype gene, wherein the proliferation of nematodes feeding on said plant [tissue] is reduced as compared to nematodes feeding on non-transgenic plant [tissue] and wherein said sense sequence or antisense sequence comprises [embryonic lethal phenotype gene is selected from the group consisting of] SEQ ID NO: 1, SEQ ID NO:9 and SEQID NO:18.

Claims 29-30 are cancelled.

At claim 31, "is-located" is replaced with ---is---.

Claims 37-38 and 40-41 are cancelled.

Claim 42. (Currently amended) A transgenic plant comprising a nucleic acid encoding a [an orally active] double stranded RNA that causes [causing] decreased proliferation of soybean cyst nematodes feeding on [ingesting said RNA] said transgenic plant as compared to soybean cyst nematodes feeding on non-transgenic plants, wherein one strand of said double stranded RNA [sequence] is complementary to a nematode embryonic lethal phenotype gene, and wherein said one strand comprises a sequence [embryonic lethal phenotype gene is] selected from the group consisting of SEQ ID NO: 1, SEQ ID NO: 9 and SEQID NO: 18.

Claims 1, 15-20, 23, 26, 31-36 and 42 are allowed.

**Contact Information**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Medina A. Ibrahim whose telephone number is (571)272-0797. The examiner can normally be reached on M-TH 8:00 am to 5:30 PM, and every other Friday from 8:00 AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on 571-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAI  
4/23/2010

/Medina A Ibrahim/  
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